

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60026 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- MAHALGAON District- Araria

1. Md. Wasim son of Md. Nazam Resident Of Village - Zamira, Ps- Mahalgaon, Dist- Araria
2. Noorsad @ Noorsadi Khatoon wife of Md. Wasim Resident Of Village - Zamira, Ps- Mahalgaon, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Nurul Hoda
For the Opposite Party/s :	Mr. Murli Dhar
	Ms. Kusum Kumari
	Mr. Mrigendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-09-2025 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 103(1), 352, 3(5) of the B.N.S.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.2 is a woman and petitioners are husband and wife and the informant alleges that his sister informed that her father in-law along with others are assaulting her. Accordingly, the informant



along with his brother reached the place of occurrence and saw his sister being assaulted. Further, Hasim assaulted his brother Kudartullah with farsa causing injury on head, thereafter, petitioners along with six accused assaulted him and his brother by lathi, farsa and knife. Further, his brother was admitted in a hospital from where he was sent to Sadar Hospital, Purnea where he died during the course of treatment.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that his sister called and informed that her father in-law along with others are assaulting her. Accordingly, the informant along with his brother reached the place the occurrence and saw his sister being assaulted. The learned counsel submits that informant falsely alleges that his sister was being assaulted or else the sister would have disclosed the name of the persons who were assaulting her along with her father in-law. It is also submitted that informant further alleges that when he reached the place of occurrence he saw that his sister was being assaulted by the accused persons, but then, he does not disclose the name of the persons who assaulted which amply



demonstrates that no occurrence in the manner as alleged ever took place. It is next submitted that specific allegation of assaulting the brother of the informant Kudartullah is against Hasim and the allegation of assault against the petitioners is general and omnibus in nature. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence. It is also submitted that the entire family members have been implicated with general and omnibus allegation.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that no specific allegation of assault is alleged against the petitioners and specific allegation of assaulting Kudartullah is against Hasim and the informant does not even disclose that whom he saw assaulting his sister when he reached the place of occurrence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on



anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria in connection with Mahalgaon P. S. Case No.66 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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